



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 25] नई दिल्ली, शुक्रवार, अगस्त 8, 2014/ श्रावण 17, 1936 (शक)
No. 25] NEW DELHI, FRIDAY, AUGUST 8, 2014/ SRAVANA 17, 1936 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

I

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 8th August, 2014:—

BILL NO. XVIII OF 2014

A Bill to rationalise the consultancy and other medical services fees for making them affordable for the common man in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Consultancy and Other Services (Rationalisation of Fees) Act, 2013.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Committee" means the Medical Consultancy and Other Services Rationalisation of Fees Committee constituted under section 3;

(b) "diagnostic laboratory" means a place owned or run by an industrial or a group of persons or by a private or corporate hospital where pathological tests or investigations are conducted on the advice of a bonafide medical practitioner or consultant;

(c) "medical consultancy and other services" includes,—

(i) consultancy by qualified medical practitioners in all branches of medicines/surgery including alternative branches, namely, Allopathy, Homeopathy, Ayurveda, Unani and Siddha, whether in private clinics or in the private or corporate hospitals;

(ii) all such pathological tests as are prescribed by the qualified doctors whether in a private clinic or in a private and/or corporate hospital; and

(iii) all such scanning or imaging services, namely, x-ray, ultra sound, MRI, CT scan, etc. whether in a private clinic or in a private/corporate hospital.

(d) "medical practitioner" means a person legally qualified and duly recognized by the Medical Council of India and engaged in the business of consultancy and providing advice to patients whether as a private practitioner or in a private corporate/hospital; and

(e) "prescribed" means prescribed by rules made under this Act.

Constitution
of the
Medical
Consultancy
and Other
Services
Rationalisation
of fees
Committee.

3. (1) The Central Government shall be notified, constitute a Committee to be known as the Medical Consultancy and Other Services Rationalisation of Fees Committee to determine the fees of a medical practitioner and prices of pathological tests, scanning and imaging.

(2) The Committee shall consist of—

- | | | |
|---|---|-----------------------|
| (i) the Minister of Health and Family Welfare,
Government of India | — | Chairman, ex-officio |
| (ii) Chairman of the Department-related
Parliamentary Standing Committee on
Health and Family Welfare | — | Member |
| (iii) three representatives of major
Hospitals/Laboratory Including
Government run Hospitals/Laboratory | — | Member |
| (iv) three representatives of the
Non-Governmental Organisation
in the health sector; | — | Member |
| (v) two representatives of Medical Practitioners | — | Member |
| (vi) one representative each from the National
Political Parties | — | Member |
| (vii) Secretary to the Government of India
Ministry of Health and Family Welfare. | — | Secretary, ex-officio |

(3) Members under clauses (iii), (iv) and (v) shall be appointed by the Central Government in such manner as may be prescribed.

(4) Members under clause (vi) shall be appointed by the Central Government on the recommendation of the respective political party.

4. The Central Government shall provide the Committee such assistance as may be necessary for the efficient functioning of the Committee.

Central Government to Provide Assistance to the Committee.

5. The Committee shall discharge the following functions:—

Functions of the Committee.

(i) fixation of the consultancy fees to be charged by the medical practitioners from patients either in their private clinics or in a private hospital/corporate hospital after taking into consideration such factors as may be necessary.

(ii) fixation of the rate for the pathological tests and scanning taking into the consideration the inputs used in carrying out the tests.

(iii) promotion of the free consultancy for the local community by making it mandatory for the private practitioners to organize free medical camps on a regular basis.

6. (1) No Medical practitioner shall charge from any patient the fee exceeding the fee fixed by the Committee;

Mandatory display of consultancy and other fees.

(2) It shall be mandatory for all the medical practitioner and diagnostic laboratory to display the fees as decided by the Committee in such manner as may be prescribed.

7. (1) Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term not less than a year and with fine which may extend up to five lakh rupees.

Penalty.

(2) Where an offence under this Act has been committed by a company/hospital/laboratory, the license of such company/hospital/laboratory shall be cancelled forthwith.

Explanation.—For the purpose of sub-section (2), "company", means any body corporate, and includes a firm or other association of individuals.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The medical practitioners are charging exorbitant consultancy fees from patients ranging from Rs. 500 to Rs. 2000 per visit. The pathological tests and scanning, etc. in the private hospitals are exceedingly expensive and becoming out of reach for the common people. The Government is committed to provide health services free of cost to its citizens regardless of their economic status. However, considering the enormity of our population and the unmatched health facilities, it is imperative that the private practitioners either in their private clinics or in the private/corporate hospitals should provide the medical consultancy at a reasonable price which can be afforded by a common man, particularly when the majority of private hospitals are running on the leased Government land and the private clinics do not pay commercial charges for their premises from where they run their clinics. The consultancy fee of private medical practitioners is arbitrarily high. As a result, the government hospitals are overcrowded with patients. In this background, it is felt that the consultancy by the private medical practitioners and other medical services all over the country needs to be rationalized.

It is therefore, proposed to constitute a Committee to fix the consultancy fees and pathological and other test charges, promote the free medical campus and rationalizes the fees for medical services for the poor.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

RENUKACHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Committee to be known as the Medical Consultancy and Other Services Rationalisation of Fees committee to rationalize the medical services fees. Clause 4 provides that the Central Government shall provide assistance to the Committee for its efficient functioning. The Bill, therefore, if enacted, would involve expenditure for the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum. No non-recurring expenditure of is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

II

BILL NO. XVIII OF 2014

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2014.

(2) It shall come into force with immediate effect.

2. After clause (2) of article 151 of the Constitution, the following clauses shall be inserted, namely:—

“(3) All reports of the Comptroller and Auditor General of India relating to the Accounts of the Union submitted under clause (1) shall be laid before each House of Parliament within one month from the date of submission to the President.

(4) All reports of the Comptroller and Auditor General of India relating to the accounts of a State submitted under clause (2) shall be laid before the legislature of the State within one month from the date of submission to the Governor.”

Short title
and
Commence-
ment.

Amendment
of article
151.

STATEMENT OF OBJECTS AND REASONS

Article 148 of the Constitution provides for appointment of the Comptroller and Auditor General to audit and prevent misuse of public money in the country. Being the custodian of the Consolidated Fund of India, he scrutinises the receipts and expenditure of the Consolidated Fund of India. When the reports are submitted by the Comptroller and Auditor General of India, it is supposed to be laid before the Legislature at the earliest. However, there were occasions when the report submitted to the President, was delayed in laying before Parliament due to irregularities in the use of public money. This prevented the Legislature to get the report examined by the Public Accounts Committee in a time bound manner. In order to strengthen the mechanism to have control over the Executive by Parliament, it is felt that once the report is submitted to the President, constitutional provision be made within one month from the date of such submission to the President or Governor, as the case may be for laying of such reports. This would facilitate expeditious examination by the Public Accounts Committee of Parliament and the respective State Legislature.

The Bill seeks to achieve the above objective.

Hence, this Bill.

DR. T. SUBBARAMI REDDY

III

BILL NO. XVII OF 2014

A Bill to amend the Central Vigilance Commission Act, 2003

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Vigilance Commission (Amendment) Act, 2014.

Short title
and
Commence-
ment.

(2) It shall come into force with immediate effect.

2. In the Central Vigilance Commission Act, 2003, in section 5—

(a) in sub-section (1), for the words “four years”, the words “five years” shall be substituted.

Amendment
of section 5
of Act 45 of
2003.

(b) in sub-section (2), for the words “four years”, the words “five years” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Sub-sections (1) and (2) of Section 5 of the Central Vigilance Commission Act, 2003 respectively specify that the tenure of the Central Vigilance Commissioner or a Vigilance Commissioner shall be a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier. However, all the constitutional authorities like Chief Election Commissioner, or the Comptroller and Auditor General of India has a tenure for a term of five years. There is anomaly in the case of the Central Vigilance Commissioner or a Vigilance Commissioner.

Hence, there is an urgent need to remove this anomaly and make the tenure of the Central Vigilance Commissioner or a Vigilance Commissioner for a term of five years.

The Bill seeks to achieve the above objective.

Hence, this Bill.

DR. T. SUBBARAMI REDDY

SHUMSHER K. SHERIFF,
Secretary-General.